App F IX 4

*Previous References* 1945 ( MR ) MR File No 106-45
Serial Nos 16, 17

*Later References*

# GENERAL AND REVENUE SECRETARIAT

*Serial Nos* Two

**Part B for** Oct 45.

**SUBJECT**

Amendment of Rules 2 (b) and (c) of Chapter II of the Printed rules and Bye Laws of the Mysore City Municipality—

L- 3281
25th Oct 45

Sanctions ——

To

The Pdt. City Mcl Cl Mysore

Cll
25/2

Letter No MS. 60:130/42 from the Dpty, Cify, Mlore, Mysore forwarding a copy of the proceedings of the meeting of the Mlore council when certain members of the council walked out, the subject matter of the proceedings being the confirmation of the Proceedings of the previous meeting held on 24-4-43.

Letter No MS. 156-739/42-43 dy 2-6-43 from the Dpty, Cify Mlore, Mysore requesting an amendment to section 27 (1) of the Mysore City Mlcipl Act 1933 in the matter of proceedings or adjournment of the meeting etc,

Letter No MS. 156-739/42-43 dy 2-6-43 from the Dpty, Cify municipal Council, Mysore forwarding a note drawn up by him in the matter of fixing up the quorum for conducting the Mlore meetings forwarding a copy of the opinion of the Municipal Advocate, Mysore in the matter of the meeting held on 29-5-1943 and states that the Mlore Advocates agrees with him in the matter of quorum for conducting the proceedings of the meeting etc,

1) If approved the Law needs

will be requested to ~~[illegible]~~ furnish opinion on the note furnished by the Ld Advocate & on the meeting held on 29-5-43 subject for orders.

WB 11/7

Letter No MS 60-130/42 dt 29-5-43 from the Addl, Cjf and Cl, Mysore, forwarding a copy of the proceedings of the meeting of the Mcl held on 29-5-43, the subject being the Confirmation of the proceedings of the Spl General meeting held on 24-4-43 Minutes of the Minister, L&J & P H on the letter

is may be examined & a note put up"

(Sd) H. G. 29-6-43.

submitted

WB. JM 12/7 3) As certain points of Law are involved, the file will be sent to the Law section for furnishing a note as ordered by the Minister above

Law Secy 12/7/43

Asst Legal Remembrancer 4) Law 12-7-43 12/7 WB

3 13/7/43

SECY LAW DEPT 43 GOVT OF MYSORE

WW 57/WB 11-43

Continuation Sheet | File No 87/L | Current No | of | Page

5 The question at issue in this case, in respect of a meeting of the Executive Council held on 29.5.43, has been fully threshed out by the Pursuant of the Executive Council & the Executive Associate, & there is nothing for me to add to what has been said & I am not however aware that Rule 2(c) & also Sec 27(7) & such as has to be amended, & that the Quorum required in that meeting was 7 & not 6, & as such the meeting cannot be held without a proper Quorum & is irregular.

Law Secretary
3
8/11/43

6 Mr Secy

3
8/11

7 The Hon'ble Minister for Law was pleased to direct me to the President's letter dated 29.5.1943 (Flag Z) that the matter may be examined & note further.

8 The above Law opinion is for kind perusal of the President, Mysore & if approved will be informed as to what necessary action will be taken to amend Rule 2(c) as above.

Law Secy
9/11/43

SECY LAW DEPT 444 343 GOVT OF MYSORE

SECY LAW DEPT 443 GOVT OF MYSORE

confirmation of the special general meeting of the Company held on 24.6.43

Continuation Sheet 1 File No 6696/43 Current No TALD of 8/10556

OFFICE OF THE MINISTER FOR LOCAL GOVT
Date 9 11 43
No 2906

22 NOV 1943
GEN & REV SECTN.

9) Marginalia acknowledged
10) 14/11/43
11) Draft letter
15/11/43

12) Write a draft letter for approval
16/11

13) Draft prepared
19/11/43

To the Odt, Gisborne
No L5619 30/11/43

Issues instructions in the matter
Letter no CL65/156-739/42 of 28/2/44
from the Odt, Gisborne
forwarding for sanction a draft
amendment of Rules 2(6)(c) of
Chapter II of the printed rules & Byelaws
of the Gisborne Harbour Board re the fixing of
the quorum for the meeting.

14) The Law section may perhaps be
consulted if the draft rule proposed
are in order
9/3

Lawrence
11/3/44

No 13
13/3/44

13/3/44

Asst Secy
Law Section

15) The draft is in order
Lawrence

18/3/44

WD 1140 GPB—50 000—5-11-42

16) Sent with a draft R.O for appl.
UKS 24/3

17) Please ascertain from the P.O, Mysuru whether the rules framed by the M.C.C are not generally published inviting objections, before they are submitted for appl. to, whether that procedure has been observed in this case

for
24/3/45

18) Sent with a draft letter for appl.
UKS 28/3

19) Done
for
28/3/45

To Re Off, City M.C.C, Mysore
No L 10126 Dt 29-3-44
He calls for some information

Sent A.M
21/4

20) Reminder please

[illegible]

From the President, Mysore City M.C.C
M.S- 156-739/42, dated 6-6-45-

States that the Municipal Advocate is of the opinion that the previous publication of the rules called for the objections, is not necessary

2) The Municipal Advocate, Mysore City M.C.C is of the opinion that the City Municipalities Act, does not prescribe the condition of

previous Constitution publication of the rules framed under it, as in the case of the Bye-laws

22) So far as the existing procedure is concerned the precedent has stated that in one case in the year 1938, the draft amendments to the rules were published calling for objections and that this procedure is not necessary in view of the opinion furnished by the Municipal Advocate

23) Refer paras 17 to 19 of the Notes supra

24) Pl bring up which is the rule to be amended & what is the amendment actually proposed by Mcl.?

for 2/7

25) The amendment proposed in As Rule 2 (c) of the Mysore City Municipal Rules and Byelaws, of 1939, is ultra vires of Section 27 (7) of the Mysore City Municipalities Act, 1933, it is proposed to amend the existing Rule 2 (b) and (c) and add a new rule as 2 (bb) so as to bring them in conformity with section 27 (7) of the Act. The Act and the Rules are put up

Flagged — Flag 'F'

for 10/7

26) Sec 27 (7) of the Mysore City Municipalities Act, 1933 was amended by Act No XXXVIII of 1942. The present rules 2 (b) & (c) relating to the Conduct of business at general meetings

printed at pages 2-3 of the printed
7247/L Rules & Bye laws of the Mysore City Mly
-ware Water works. It is therefore
proposed to bring them with conformity
with the above (amendment) section
the President, Mysore City Mcl by
according Rules to offer rules
amending the same.

27) Adopt f.o. appending the same is
putup for appln

28) On the amended, the power of
the Law section may also be obtained if
the views expressed by the Municipal
Advocate about the non publication previously
of the above draft rules calling for objections
from the public may be accepted.

Addl Secy to Govt

29) Yes Addl Secy.

30) Let me see the
present rules
Addl Secy
8/9

31) The printed copy of the Mysore City
Municipal Rules and Bye laws, is put up
Kind reference is invited to pages 2 and 3
(vide Flag 'A')

32) reject paras 2 & 3 & 30 & put
up for
Addl Secy 12/9/45

33) Please consult Law Section before issue
12/9 Addl Secy 12/9/45

Continuation sheet

34) Re finishing process - refer
with a copy para 2 of my report
the Byelaws & to engineer dep't
ILO No. 20 Attorney
Law secretary) from
1219 Leg -
Subd -

35) With ref to paras 28 and 32 supra -

The point for consideration is whether the proposed amendments to the existing rules (Rules 2 to 6 of the Rules and Byelaws of the Mysore City Municipality) should be published forthwith and objections called thereon to be called for prior to their approval

36) The existing rules (to 'ii') being inconsistent with S 27 (7) of City Municipalities Act 1933 (vide para 5 supra) they are sought to be amended The proposed amendments touching the business of the Municipality (conduct of meetings) appear to come within the purview of S 49 (a) of the Act According to proviso (i) to S 49 - any rule made or any alteration or rescission shall have the previous approval of Govt

37) The condition of previous publication also apply to Bye-laws framed

2763/p45 8330

Amendment of Rules 2 b c of the Rules of Bom. Govt. of Mys. City Municipal

7247/L under s 51 and Rules framed under s 149 b. c e f and (of the Govt Law formulated any rules to that effect vide s 228 of sub su. 2 cl (c)

3) Since the proposed amendments come within under s 149 (a) from our publication does not appear to be necessary as opined by the Municipal Comm advocate (vide fo 's') Submitted for favl

Law Secy 3 24/9/45

2) Addl Secy Hdc RV 24-9-45

4) Draft G.O. for approval

Minister for Edn & PH Asst 25/9/

9/10/45

Asst 10/10/45

TO The President City Municipal Council
" Commissioner
& 3281/M1 106-45-17 D 25-10-45

Sanction is accorded to the proposal

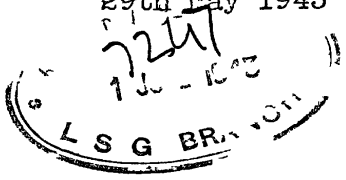
B

MS-60-130/42
Encl 3

B S RAGHAVENDRA RAO
PRESIDENT

City Municipal Council
MYSORE

29th May 1943




Dear Sir,

In enclosing herewith an extract of the proceedings of the meeting of the Council held to-day, I wish to state that when at the commencement of the meeting subject No 749, viz confirmation of the 'Proceedings of the Special General Meeting of the Mysore City Municipal Council held on 24th April 1943 at 4 P M " was taken up for consideration, Mr M C Mallappa, Municipal Councillor moved the resolution (copy annexed) and it was seconded by Mr G Janardan Naidu On this, I had to give the ruling noted in the annexure, when, the members of the Congress party, nine in number, walked out of the House as a protest At that time there were only four members present and as there was still time for members coming in (the meeting commences at 4 30 P M and if there is no quorum adjourns at 5 P M after waiting for 30 minutes) we waited and after two minutes, i e at about 4 45 P M Mrs Kameswaramma and the Vice-President - Mr Mohamed Khalilulla, came into the hall and as there was sufficient quorum the meeting proceeded

In this connection, I wish to state that I explained to the members that moved and spoke regarding this resolution that this was obviously out of order on a motion for confirming the proceedings and that if they wanted to pass a resolution of the type they proposed, they could bring it as a separate subject But as usual they did not heed the same and walked out as a protest even though I told them that at our special request Mr Rajaram Iyengar, the Manager of the Badanaval Khadi Centre had come all the way from Badanaval, with the approval of the Director of Industries and Commerce and that it would be very inconvenient both to him and Government work if the subject on the agenda, noted in the margin*, was not taken up and I requested them to come up again at least for discussion of

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* 791 Managing Committee resolution No 160 dated 16th April 1943 stating that the note furnished by the Manager, Badanaval Spinning Circle on the scheme for starting Khadi Spinning and Weaving Centre in Mysore City be placed before the Council for consideration

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of subject, but they did not choose to do so

I have since received a letter from Mr M C Mallappa, Leader of the Municipal Congress Party, copy enclosed, stating that the subsequent proceedings were illegal I am examining the matter and will submit a report

Yours sincerely,

B Nagarajaiah

PRESIDENT 29/-

C Narayanaswamy Naidu, Esq ,B A ,B L ,
Secretary to Government, Law Department,
BANGALORE

KSR

Proceedings of the Ordinary General Meeting of the Mysore City Municipal Council held on the 29th May 1943 at 4 30 P M

***

PRESENT

B S Raghavendra Rao,Esq ,M A (Hons) President
2 Mohamed Khalilulla, Esq ,M A ,LL B -Vice-President
3 Chowdiah, Esq ,
4 M C Mallappa, Esq ,
5 T Narasimha Iyengar, Esq ,B A ,B L ,
6 Mrs B Kameswaramma, B A ,
7 M V Venkataramiah, Esq ,
8 M S Nanjappa, Esq ,
9 G R Rangaswamiah, Esq ,
10 G Janardan Naidu, Esq ,
11 M R C Basappa, Esq ,
12 T Venkataramaniah, Esq ,
13 Dr (Miss) A Grace Gillespie, M B Ch B
14 B L Maridandiah, Esq ,
15 F C Devaraja Urs, Esq ,

ABSENT

16 S Linganna, Esq ,
17 P Sitaramiah, Esq ,B A ,B L ,
18 U L Ramachandra Rao, Esq ,
19 M K Linganna, Esq ,B A ,LL B
20 A Krishna Murthy, Esq ,
21 T S Rajagopala Iyengar, Esq ,M A ,LL B
22 A N Suryanarayana Rao, Esq ,
23 N Rajagopala Iyengar, Esq ,B A ,B L ,
24 Agaram Rangiah,Esq ,
25 B Narayanaswamy, Esq ,B A ,B L ,
26 T Mariappa, Esq ,B A ,LL B ,
27 E P Nanjappa, Esq ,
28 Dr A J Ram, L M & S
29 Patnam Srinivasa Setty, Esq ,
30 T S Ali Khan, Esq ,
31 Haji Mir Amiruddin Khuraishi, Esq

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749 Proceedings of the Special General Meeting of the Mysore City Municipal Council held on 24th April 1943 at 4 P M

Mr M C Mallappa moved that this subject may be recorded with the observation that the ruling of the President (what was already recorded was in order and in his opinion no amendment was necessary) is highly unjust and inconsistant with the dignity of the Council That the President chooses to disregard the opinion of the nine Councillors as against one and given the above ruling is a clear misuse of the discretion vested in him in paragraph three, Chapter II of the Bye-laws Further the last paragraph namely, 'the President then stated that with due deference to all the speakers, he still felt that what was already recorded was in order and in his opinion no amendment was necessary,' be deleted

This was seconded by Mr Janardan Naidu

The President stated that the subject before the House was the confirmation of the proceedings of the previous meeting and no resolution on the merits of the question would obviously be admissible and therefore gave a ruling that the portion commencing from "with the observation" erding with "be deleted" was not in order and could not be allowed He also stated that under rule (3) Chapter II, while confirming the minutes of the previous meeting only objections to the minutes "as having been incorrectly or incompletely recorded" would be relevant and no observations as suggested in the resolution above would be in order

On this, the following members walked out of the House as a mark of protest

Messrs
M C Mallappa
T Venkataramaniah
G Janardan Naidu
T Narasimha Iyengar, B A ,B L ,
M V Venkataramiah
M R C Basappa
M S Nanjappa
Chowdiah
G R Rangaswamiah

xxx xxx

PRESIDENT,
29-5-1943

KSR

7411

[redacted]GHAVENDRA RAO

Copy of resolution moved by Mr M C Mallappa, Municipal Councillor, Mysore

---

**Res: 749.**

May be recorded with the observation that the ruling of the President (what was already recorded was in order and in his opinion no amendment was necessary) is highly unjust and in consistant with the dignity of the Council. That the President choses to disregard the opinion of the nine Councillors as against one and gives the above ruling is a clear misuse of the discretion vested in him in paragraph three, Chapter II of the Bye-laws Further the last paragraph namely the President then stated that with due deference to all the speakers, he still felt that what was already recorded was in order and in his opinion no amendment was necessary be deleted.

'COPY'

B Narshavendra R,

PRESIDENT

KSR.

7411

Copy of letter dated 29th May 1943 received from Mr M C Mallappa, Municipal Councillor, by the President, Mysore City Municipal Council

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"Please permit me to bring to your attention that after the members of the Municipal Congress party left the meeting in protest against the ruling given by you on the Resolution moved on subject No 749 in the agenda for to-day's meeting to your knowledge there was no quorum, and under Chapter II (2) (c) of the Mysore City Municipal Rules and Bye-laws, the meeting had to be immediately suspended and adjourn the meeting

Inspite of the law on the matter you have continued the deleberations of the Council, which has been rendered ultra vires of the Act If in furtherence of the proceedings any action is taken, I will have to point out, Sir that it will be illegal

Thanking you"

Sd M C Mallappa,
Leader,
Mysore City Municipal Congress
Party, Mysore

'COPY'

B Raghavendra R

PRESIDENT,
29-5-1943

KSR

B S RAGHAVENDRA RAO
PRESIDENT

Ms-156-739/42 43
Encl 1

7411

City Municipal Council
MYSORE

2nd June 1943.

Dear Sir,

In continuation of my letter No M6-60-130 dated 29th May 1943, I am enclosing herewith for your information a copy of my reply to the letter of Mr M C Mallappa, and wish to state that it is seen from the Rules under Chapter II, placed in juxta position with Section 27(7) of the Act, that the rules that are framed under Section 49 of the Act are inconsistent with the Act and require amendment

RULES UNDER CHAPTER II

Rule 2(b) "If at the hour fixed for the meeting a quorum be not present, the presiding authority shall allow 30 minutes to elapse before he adjourns the meeting and if 30 minutes from the hour fixed for the meeting elapse without the assembling of a quorum, the meeting shall stand adjourned to that day week at the same time and place"

Rule 2(c) "If after the commencement of business the presiding authority notices that a quorum is not present, or any Councillor calls the attention of the presiding authority to the fact that a quorum is not present, the presiding authority shall immediately suspend business and shall count the number of Councillors present, and if that number be insufficient to form a quorum, the presiding authority shall adjourn the meeting"

SECTION 27(7)

"If less than one fifth of the whole number of Councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall after waiting for not less than fifteen minutes and not more than thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix and a notice of such adjournment shall be fixed up in the municipal office xxx"

In the Act it is very clear that if less than 1/5 of the whole number of Councillors be present at any time from the beginning to the end thereof, the presiding authority shall after waiting for not less than 15 minutes and not more than 30 minutes adjourn the meeting, whereas in the Rule it is stated that "If after the commencement of business the presiding authority notices that a quorum is not present or any Councillor calls his attention to this, he shall immediately

suspend the business and shall count the number of Councillors present and if that number is insufficient to form a quorum the presiding authority shall adjourn the meeting" The Act quoted above in extenso requires that if less than 1/5 of the whole number of Councillors be present at a meeting <u>at any time</u> from the beginning to the end thereof the presiding authority shall after waiting for not less than fifteen minutes and not more than thirty minutes adjourn the meeting

The Rule referred to above which is not in conformity with the Act has therefore to be amended. The following addition to the existing Rule would remove the inconsistency

Add after the'Presiding authority shall' in the last line " after waiting for not less than 15 minutes and not more than 30 minutes adjourn the meeting in case the prescribed quorum is not obtained in the meanwhile, when the business may be proceeded with". I am placing the amendment before the Municipal Council and will report the action taken I am making a separate ~~re~~refence regarding the quorum required under Section 27(7)

The Govt may also take action Suo moto under Section 229(1) of the act but perhaps the procedure now suggested is better

Yours sincerely,

Bo Nagendra Rao

PRESIDENT 2/6

C Narayanaswamy Naidu, Esq ,B A ,B.L.,
Secretary to Government, Law Department,
BANGALORE

KSR

Copy of letter No M5-156-739/42 dated 31st May 1943 from the President, C M C to Mr M C Mallappa, Municipal Councillor, Mysore

***

"Adverting to your letter dated 29th May 1943 stating as under

> "xxx that after the members of the Municipal Congress party left the meeting, to your knowledge there was no quorum and under Chapter II(2)(c) of the Mysore City Municipal Rules and Bye-laws the meeting had to be immediately suspended and adjourn the meeting xx"

I write to state that the bye-law referred to by you is inconsistent with the Act. According to the Act "if less than 1/5 of the whole number of Councillors be present at a meeting at any time from the beginning to the end thereof the presiding authority shall after waiting for not less than 15 minutes and not more than thirty minutes, adjourn the meeting". It will be seen therefore that the presiding authority when he notices that the quorum is not present or any Councillor calls the attention of the President to the same has got to wait for not less than 15 minutes and not more than 30 minutes before he adjourns the meeting You will see therefore that the procedure adopted by me in not immediately adjourning the meeting is in order

Regarding the Bye-law being inconsistent with the Act, actio will separately be taken to get the bye-law suitably amended

I may add in this connection that the quorum was held till now to be 6 but on a close examination of the Act it is felt that it should be 7 and not 6 and I am taking legal opinion in this matter and if the legal opinion is also that it should be 7 and not 6 an adjourned meeting would have to be called for and in that event the date and hour of the adjourned meeting will separately be intimated"

Sd B S Raghavendra Rao,
PRESIDENT

'COPY'
B S Raghavendra Rao
PRESIDENT,
2-6-1943.

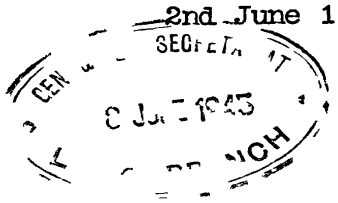
KSR

B S RAGHAVENDRA RAO
PRESIDENT

M5-156-739/42-43
Encl one

City Municipal Council
MYSORE

2nd June 1943



Dear Sir,

In connection with the letter received from Mr M C Mallappa, a copy of which has been sent to you in my letter No M5-60-130/42 dated 29th May 1943 the question of the quorum prescribed for a meeting was examined and I am enclosing herewith a copy of my note on this subject I have taken legal opinion informally and I understand the note as drawn up by me is correct

In this connection I wish to state that it is seen from the statement of business before the Representative Assembly that the Emergency Act No XXXVIII of 1942 dated 26th September 1942 is to be incorporated with suitable modifications in the Municipal Act The Emergency Act dated 26th September 1942 was in force for six months only and has expired. It is therefore necessary to extend it for another six months, under Section 31(2) of the Government of Mysore Act 1940, pending the passing of the above amendments and while amending it, I would suggest that it may be made clear that in calculating the 1/5 and 4/5 under Sections 27(7) and 27(13) just as under the proviso to Section 9(2) that "where the President is a Councillor, the 1/5 or the 4/5 of the whole number shall be exclusive of the President"

Yours sincerely,

B S Raghavendra Rao

PRESIDENT

C Narayanaswamy Naidu,Esq ,B A ,B L ,
Secretary to Government, Law Department
BANGALORE

KSR

MYSORE CITY MUNICIPALITY
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Note regarding the Ordinary General Meeting of the Council held on the 29th May 1943 at 4 30 P M in the Municipal Offices
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An objection having been received from Mr M C Mallappa (Leader of the Municipal Congress party) that under Chapter II, 2(c) of the Municipal Rules and Bye-laws of the Mysore City Municipality, immediately it was brought to the knowledge of the President that there was no quorum, the meeting had to be suspended and adjourned, this question was again closely examined when it was found that rule 2(c) of the Bye-laws was in conflict with Section 27(7) of the Act. Under Section 27(7) of the Act, if at a meeting, at any time from the beginning to the end thereof less than 1/5 (as amended in Act XXXVIII of 1942) are present, the presiding authority shall after waiting for not less than 15 minutes and not more than 30 minutes adjourn the meeting According to the Act therefore if at a meeting, at any time from the beginning to the end thereof, the President notices or it is brought to his notice that there is no quorum he should wait for not less than 15 minutes and not more than 30 minutes and then adjourn the meeting, if no quorum in the meanwhile is got Whereas rule 2(c), Chapter II of the Rules and Bye-laws simply says the presiding authority shall adjourn the meeting and it is not definitely prescribed here that he has got to wait for 15 to 30 minutes. Of course wherever the rules conflict with the Act, the Act prevails since under Section 49 the rules should not be inconsistent with Act and therefore the President must wait for 15 to 30 minutes before adjourning the meeting, if in the course of the meeting it is found that there is no quorum. Mr Mallappa's view therefore that the President should, immediately he noticed the want of quorum suspend the meeting and adjourn the same, cannot be held or accepted. The President's waiting for the prescribed period for prescribed quorum was in order.

"G"

While examining this subject, incidentally the question of

P T O

of the prescribed quorum was also examined. It was generally understood that the Mysore City Municipality has 30 Councillors and quorum therefore being 1/5 of 30 was only 6. But in the recent constitution of the Council, the Municipal President has been made an additional Councillor, vide Notification No L.4975/M1 105-40-6 dated 31st December 1940 and while for purposes of Section 9, it is specifically enacted that in calculating the 4/5 of the whole number, the President shall be excluded there is no such enactment in the case of the quorum prescribed for meetings. It is therefore felt that in the absence of such an enactment the quorum should be 7 and not 6 as at present understood. If this is so, the proceedings held on the 29th with only 6 Councillors which was held to be sufficient quorum, would be invalid.

With regard to the validity of the proceedings of the Council, Section 39(2) states that the proceedings of a meeting are good and valid until the contrary is proved. The prescribed quorum is necessary for all meetings and the proceedings of a meeting without it would be invalid. As long as there is no enactment that the President appointed under Section 23(2) (c) is not specifically excluded in calculating the whole number of Councillors prescribed for a quorum, I feel that it is a matter for grave doubt whether 6 and no 7 is the prescribed quorum The question of the validity of the proceedings of the 29th instant having been raised although the objection taken by Mr Mallappa could not be sustained for the reasons stated above, I feel that once an objection has been raised and when a doubt has been felt regarding the quorum,it is better to treat the meeting of the 29th instant as having been adjourned and hold an adjourned meeting

Sd B S. Raghavendra Rao,
PRESIDENT

'COPY'

By Raghavendra Rao
PRESIDENT

KSR

Copy of Municipal Advocate's note dated 3rd June 1943 regarding the meeting held on the 29th May 1943.

***

No M5-156-739/42
Encl

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE

Date 5th June 1943

From
B S RAGHAVENDRA RAO, Esq, M A (Hons),
PRESIDENT, CITY MUNICIPAL COUNCIL,
MYSORE

To
C. Narayanaswamy Naidu, Esq, B A, B L,
Secretary to Government, Law Department,
Bangalore.

Sir,

In continuation of my letter No M5-156-739/42 dated 2nd June 1943 regarding the amendment of rule 2(b) & (c) of Chapter II of the printed Rules and Bye-laws to make it consistent with Section 27(7) of the City Municipalities Act, I have the honor to forward herewith for your information, a copy of the Municipal Advocate's note ~~letter~~ dated 3rd instant and to state that he concurs with my views

I have the honour to be,
Sir,
Your most obedient servant,
B S Raghavendra Rao
PRESIDENT

KSR

Copy of Municipal Advocate's note dated 3rd June 1943 regarding the meeting held on the 29th May 1943.

***

Ref President's note No M5-156-739/42 dated 31st May 1943

---

"I have perused the above exhaustive note and am in complete agreement therewith in regard to the first of the questions dealt with therein. In regard to the second I too apprehend that the meeting of the 29th May 1943 with only six councillors is open to the objection that the requisite number of councillors to form the quorum were not present thereat The language employed in Clause (7) of Section 27 is unequivocal and one fifth of the whole number of councillors should be present throughout any meeting The particular qualification that is found in Section 9 for calculating the proportion of different kinds of councillors is applicable only to that section Section 27, as has been correctly, (if I may say so with respect), pointed out by the President does not contain any such provision excluding the President for purposes of ascertaining the number of councillors required to form the quorum The result is that with the present strength of the Council at thirtyone the quorum should be seven and not six councillors

Business transacted and resolutions passed on 29th May 1943 with six councillors only present have therefore to be considered as not having been those of the Council They have to be taken as not having been debated and decided upon by the Council They may be placed before the Council over again either at its next general meeting or at a special general meeting This becomes necessary because the Presiding Authority has not adjourned the meeting on 29th May 1943 in which event only the agenda remaining over could be dealt with at an adjourned meeting contemplated in Section 27(7)

Sd S Chinnaswamy Setty,
Municipal Advocate.

'COPY'

PRESIDENT,
5-6-1943

KSR

City Municipal Council
MYSORE

29th May 1943.

B S. RAGHAVENDRA RAO,
PRESIDENT

M5-60-130/42
4 Encls

81

City Municipal Council,
MYSORE
29th May 1943

OFFICE OF THE MINISTER FOR L S G & P H
Date 30.6.43
No P 1036

GEN & REV DEPT
JUN 1943
L S G

Dear Sir,

I am forwarding for your information a copy of my letter of date to the Secretary to Government, Law Department, regarding the proceedings of the meeting of the Council held to-day

With regards,

Yours sincerely,
B S Raghavendra Rao
PRESIDENT

H B Gundappa Gowda, Esq ,B A ,B L ,
Minister for Local-Self Government,
BANGALORE

29.6.43
1-7-43

City Municipal Council
MYSORE

29th May 1943.

Res 749

May be recorded with the observation that the ruling of the President (what was already recorded was in order and in his opinion no amendment was necessary) is highly unjust and inconsistant with the dignity of the Council That the President choses to disregard the opinion of the nine Councillors as against one and gives the above ruling is a clear misuse of the discretion vested in him in paragraph three, Chapter II of the Bye-laws Further the last paragraph namely the President then stated that with due deference to all the speakers, he still felt that what was already recorded was in order and in his opinion no amendment was necessary be deleted

'COPY'

By Narasimhaiah R

PRESIDENT

KSR

S RAGHAVENDRA RAO
PRESIDENT

City Municipal Council
MYSORE

29th May 1943.

Dear Sir,

In enclosing herewith an extract of the proceedings of the meeting of the Council held to-day, I wish to state that when at the Commencement of the meeting subject No 749, viz confirmation of the 'Proceedings of the Special General Meeting of the Mysore City Municipal Council held on 24th April 1943 at 4 P.M." was taken up for consideration, Mr. M. C Mallappa, Municipal Councillor moved the resolution (copy annexed) and it was seconded by Mr. G. Janardan Naidu. On this, I had to give the ruling noted in the annexure, when, the members of the Congress party, nine in number, walked out of the House as a protest. At that time there were only four members present and as there was still time for members coming in (the meeting commences at 4 30 P M and if there is no quorum adjourns at 5 P.M after waiting for 30 minutes) we waited and after two minutes, i e. at about 4.45 P M Mrs. Kameswaramma and the Vice-President - Mr Mohamed Khalilulla, came into the hall and as there was sufficient quorum the meeting proceeded.

In this connection, I wish to state that I explained to the members that moved and spoke regarding this resolution that this was obviously out of order on a motion for confirming the proceedings and that if they wanted to pass a resolution of the type they proposed, they could bring it as a separate subject But as usual they did not heed the same and walked out as a protest even though I told them that at our special request Mr. Rajaram Iyengar, the Manager of the Badanaval Khadi Centre had come all the way from Badanaval, with the approval of the Director of Industries and Commerce and that it would be very inconvenient both to him and Government work if the subject on the agenda, noted in the margin*, was not taken up as I requested them to come up again at least for discussion of

| |
|---|
| * 791. Managing Committee resolution No. 160 dated 16th April 1943 stating that the note furnished by the Manager, Badanaval Spinning Circle on the scheme for starting Khadi Spinning and Weaving Centre in Mysore City be placed before the Council for consideration. |

of this subject, but they did not choose to do so.

I have since received a letter from Mr. M. C. Mallappa, Leader of the Municipal Congress Party, copy enclosed, stating that the subsequent proceedings were illegal. I am examining the matter and will submit a report .

Yours sincerely,

Sd B S Raghavendra Rao,
PRESIDENT

C. Narayanaswamy Naidu, Esq ,B.A ,B.L.,
Secretary to Government, Law Department,
BANGALORE.

'COPY'
B Raghavendra R
PRESIDENT.

KSR

Proceedings of the Ordinary General Meeting of the Mysore City Municipal Council held on the 29th May 1943 at 4.30 P.M.

***

PRESENT:

B. S. Raghavendra Rao,Esq.,M.A.(Hons) President
2. Mohamed Khalilulla, Esq ,M.A.,LL.B. -Vice-President
3. Chowdiah, Esq.,
4. M. C. Mallappa, Esq.,
5. T. Narasimha Iyengar, Esq ,B.A.,B.L.,
6. Mrs. B. Rameswaramma, B.A.,
7. M. V. Venkataramiah, Esq ,
8. M. S. Manjappa, Esq.,
9. G. R. Rangaswamiah, Esq.,
10. G. Janardan Naidu, Esq.,
11. M. R. C. Basappa, Esq.,
12. T. Venkataramaniah, Esq.,
13. Dr.(Miss) A. Grace Gillespie, M.B Ch.B.
14. B. L. Maridandiah, Esq.,
15. F. C. Devaraja Urs, Esq.,

ABSENT:

16. S. Linganna, Esq.,
17. P. Sitaramiah, Esq ,B A.,B.L.,
18. U. L. Ramachandra Rao, Esq.,
19. L.P Linganna, Esq.,B.A.,LL.B.
20. A Krishna Murthy, Esq.,
21. T. S. Rajagopala Iyengar, Esq.,M.A.,LL.B.
22. A N. Suryanarayana Rao, Esq.,
23. N. Rajagopala Iyengar, Esq.,B.A.,B.L.,
24. Agarar Ramaiah, Esq.,
25. B. Narayanaswamy, Esq ,B.A.,B.L.,
26. T Nariappa, Esq.,B.A.,LL.B.,
27. E. P. Manjappa, Esq.,
28. Dr. A J. Ram, L.M. & S.
29. Patnar Srinivasa Setty, Esq.,
30. T. S. Ali Khan, Esq.,
31. Haji Mir Ariruddin Khuraishi, Esq.

---

749. Proceedings of the Special General Meeting of the Mysore City Municipal Council held on 24th April 1943 at 4 P.M.

Mr. M. C. Mallappa moved that this subject may be recorded with the observation that the ruling of the President (what was already recorded was in order and in his opinion no amendment was necessary) is highly unjust and inconsistant with the dignity of the Council. That the President chooses to disregard the opinion of the nine Councillors as against one and given the above ruling is a clear misuse of the discretion vested in him in paragraph three, Chapter II of the Bye-laws. Further the last paragraph narely, 'the President then stated that with due deference to all the speakers, he still felt that what was already recorded was in order and in his opinion no amendment was necessary,' be deleted.

This was seconded by Mr Janardan Naid

The President stated that the subject before the House was the confirmation of the proceedings of the previous meeting and no resolution on the merits of the question would obviously be admissible and therefore gave a ruling that the portion commencing from "with the observation" ending with "be deleted" was not in order and could not be allowed He also stated that under rule (3) Chapter II, while confirming the minutes of the previous meeting only objections to the minutes "ashaving been incorrectly or incompletely recorded" would be relevant and no observations as suggested in the resolution above would be in order.

On this, the following members walked out of the House as a mark of protest.

Messrs: M. C. Mallappa
T. Venkataramaniah
G. Janardan Naidu
T Narasimha Iyengar, B.A ,B.L.,
M. V. Venkataramiah
M.R.C.Basappa
M. S. Nanjappa
Chowdiah
G.R.Rangaswamiah.

xxx xxx

PRESIDENT,
29-5-1943.

KSR

Appendix F G —1]

SUBJECT

Section ML

File No

Serial No

*Diary No of letter replied to*

No L5619

To

General and Revenue Secretariat

( )

*the* *194*

The Pdt. Cif Mlcl, Mysore.

Sir,

Date of issue 20/4

Signed by Wm Cl Rao

With reference to the correspondence ending with your letter No M65 156 739/42 Dy 5-6 43 regarding the amendment of rule 2 (b) (c) of chapter II of the Municipal Rules & Bye laws of the Cif Mlcl etc, I am directed to state ~~that Rule 2(c) ultra vires of section 27(2) of the City Police Act 1933,~~ and so much, it has ~~to be amended and~~ that the quorum required ~~for~~ the meeting held on 29-5-43 was 7 & not

List of enclosures

Copied by

Examined by

WD 04161—GPB—60 000—24 10 41

No M5-156-739/42
Encl 3

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE

Date 28 Feb 1944

From R Ramachandra Rao Bhombore, Esq , B.A
PRESIDENT, CITY MUNICIPAL COUNCIL,
MYSORE

SECRETARIAT
5586
3 MAR 1944
G BRANCH

To
C Narayanaswamy Naidu, Esq , B A , B L ,
Secretary to Government, Law Department,
Bangalore

Sir,

Subject - Amendment of Rules 2 (b) and (c) of Chapter II of the printed rules and byelaws of the Mysore City Municipality

With reference to your letter No L 5619/M1 dated 30th November 1943 regarding the above, I have the honor to state that the Municipal Advocate proposed the enclosed draft amendments to Rules (b) and (c) of Chapter II of the printed Rules and Byelaws so as to bring them into conformity with Section 27(7) of the City Municipalities Act 1933 The Legal Committee approved of the proposed amendments in their meeting held on 24-1-44 and the same was approved by the Municipal Council also on

29-1-1944 The copies of their resolutions are herewith enclosed I request you kindly to obtain sanction of Government to the proposed amendments

I have the honour to be,

Sir,

Your most obedient servant,

— PRESIDENT

SNR

Proceedings of the Legal Committee Meeting held in the Municipal Office on Monday the 24th January 1944 at 4-30 P M

---

Present - P Seetharamiah, Esq ,B A ,B L ,
Chairman

2 B Narayanaswamy, Esq ,B A ,B L ,
3 M N Jois, Esq ,
4 M Shankariah,Esq , B A ,B L ,
Municipal Advocate

---

7 Office note regarding the Amendment of rule 2(c) of the existing Rules relating to the quorum at meeting

The proposed amendments by the Municipal Advocate with this change approved

Change "Add at the end (2) (b)" or to such hour on the following or some other future day as he may reasonably fix "

---

Sd P Seetharamiah,
Chairman

"COPY"

PRESIDENT

# MYSORE CITY MUNICIPALITY

## Proceedings of the Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Saturday the 29th January 1944, at 4-30 p m

PRESENT

1 R Ramachandra Rao Bhombore Esq B A, *President*
2 A Krishna Murthy Rao Esq
3 P Sitaramiah Esq B A B L
4 M N Jois Esq B A
5 A N Suryanarayana Rao Esq
6 B Narayanaswami Esq B A B L
7 Agaram Rangiah Esq
8 Srimathi Yashodhara Dasappa
9 K S Satyanarayana Rao Esq
10 G R Rangaswamiah Esq
11 M V Venkataramiah Esq
12 M S Nanjappa Esq
13 H Thammiah Esq
14 G Janardan Naidu Esq
15 E P Nanjappa Esq
16 T S Chandrasekhara Gowda Esq
17 V N Dasappa Esq
18 Patnam Sreenivasa Setty Esq
19 Dr A V Ranga Rao
20 F C Devaraj Urs Esq
21 K Siddiah Esq
22 T S Alikhan Esq
23 Gulam Ahmed Khan Esq
24 Mohamed Sait Esq

ABSENT

25 T Narasimha Iyengar Esq B A B L
26 T Mariappa Esq B A LL B
27 M R C Basappa Esq
28 U L Ramachandra Rao Esq
29 Chowdiah Esq
30 T Venkataramaniah Esq
31 Mrs W H Theobald

---

532 Legal Committee resolution No 7 dated 24-1-1944 proposing amendments to Rule 2(b) and (c) Chapter II of the existing rules relating to the quorum at meetings, to make it consistent with Sec 27(7) of the Act, for approval

"APPROVED"

Sd R Ramachandra Rao Bhombore,
President

"COPY"

PRESIDENT

SNR

Appendix F G —1]

SUBJECT

Section ml

File No

Serial No

*Diary No of letter replied to*

No L 10126

To

General and Revenue Secretariat

( )

*the* *194*

The Dist, Aff ml cl, Mysore

Sir,

Date of issue 29/3/44

Signed by Mr GRR

with reference to the correspondence ending with your letter No MS-156-739/42 dy 28-2-44 re the amendment of Rules 2 (b) & (c) of Chapter II of the Printed rules & Byelaws of the Aff Mfg, I am directed to enquire if such rules and the powers of framed by the ml cl, are not generally published previously calling for objections, if any, before they are

List of enclosures

Copied by

Examined by

WD 04161—GPB—60 000—21 10 41

submitted for approval to first
if so, whether that procedure
has been observed in
this case. No practice in Rochester regarding
Kent's retirement
& why conf. refers Shaneck
registered
Jim
Dor sent to Court
Law Dept
28/3

MUNICIPAL ADVOCATE'S NOTE DATED 7TH MAY 1945

Section 49 of the City Municipalities Act empowers the Municipal Council to make Rules not inconsistent with the Act Under clause (a) of Section 49 Rules can be framed for regulating the conduct of its business

The existing rule under this Section being inconsistent with Section 27 clause (7) of the Act, suitable amendment is necessary

According to Section 49 proviso (1) any Rule made or any alteration or recession shall have the previous approval of the Government It does not prescribe the condition of previous publication calling forth the objection of the public as has specifically been prescribed for Bye-laws to be framed under Section 51 The only condition laid down is to have the approval of the Government The nature of the Rules contemplated under Section 49 of the Act being mostly pertaining to the procedure for the conduct of the affairs of the Municipality, not affecting the rights or imposing any duty or liability on the public, the mere sanction of the Government would be enough to make them valid The present proposed amendment is to remove the inconsistency and make it consistent with Section 27 clause (7) of the Act

Hence, I am of opinion that no previous publication calling forth objections from the public is necessary for Rules to be framed under Section 49 and the previous sanction of the Government would be enough to validate them as Rules

"Copy"

PRESIDENT

6/6/45

BS

Ms--156-739/42

MUNICIPAL ADVOCATE'S NOTE DATED 7TH MAY 1945

GEN & REV SECRETARIAT 8339 13 JUNE 1945

Ms 106-45-16

Office of the President,
City Municipal Council Mysore

No Ms-156-739/42
Encl
From

Date 5th June 1945

GEN & REV SECRETARIAT 8176 11 JUN 1945 MYSORE SG BRANCH

R Ramachandra Rao Bhombore, Esq B A
President, City Municipal Council

To

C Narayanaswamy Naidu, Esq , B A , B L ,
Legal Remembrancer and Secretary to Government,
Law Department, Bangalore

Sir,

Subject Amendment of Rules 2(b) & (C) of Chapter II of the Printed Rules and Byelaws of the Mysore City Municipality
--

Adverting to your letter No L 10126 dated 29th March 1944, enquiring whether such rules are not generally published previously calling for objections, before they are submitted to Government, I have the honour to forward herewith a copy of the Municipal Advocate's note dated 7th May 1945, stating that previous publication calling forth objections, is not necessary

Regarding the practice in vogue in such cases, I may mention for information that in one case in the year 1938, the draft amendments to the rules framed under Section 49(a) were published calling for objections (vide copy of notice dated 10-5-38 enclosed) But this procedure does not appear to be necessary for the reasons explained in the note of the Municipal Advocate referred to above

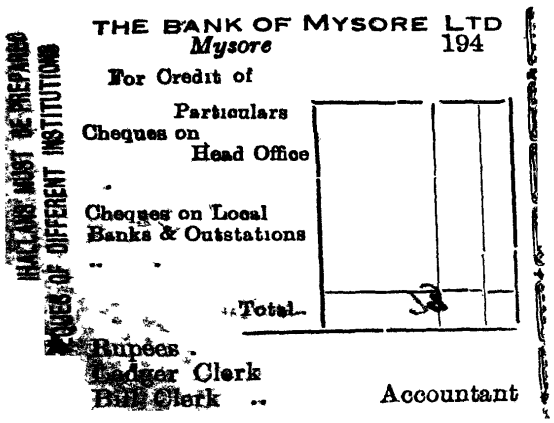
I have the honour to be,
Sir,
Your most obedient servant,

PRESIDENT

BS

NWTR DATED 7TH MAY 1945

GEN & REV SECRETARIAT
8339
18 JUNE 1945
L
L S G BRANCH



THE BANK OF MYSORE LTD
*Mysore* 194

For Credit of

| Particulars | | |
|---|---|---|
| Cheques on Head Office | | |
| Cheques on Local Banks & Outstations | | |
| Total | | |

Rupees

Ledger Clerk

Bill Clerk

Accountant

Ms--156-739/42

GEN & REV SECRET. BRANCH
8339
19 JUNE 1945
L S G BRANCH

MUNICIPAL ADVOCATE'S NOTE DATED 7TH MAY 1945

Section 49 of the City Municipalities Act empowers the Municipal Council to make Rules not inconsistent with the Act Under clause (a) of Section 49 Rules can be framed for regulating the conduct of its business

The existing rule under this Section being inconsistent with Section 27 clause (7) of the Act, suitable amendment is necessary

According to Section 49 proviso (1) any Rule made or any alteration or recession shall have the previous approval of the Government It does not prescribe the condition of previous publication calling forth the objection of the public as has specifically been prescribed for Bye-laws to be framed under Section 51 The only condition laid down is to have the approval of the Government The nature of the Rules contemplated under Section 49 of the Act being mostly pertaining to the procedure for the conduct of the affairs of the Municipality, not affecting the rights or imposing any duty or liability on the public, the mere sanction of the Government would be enough to make them valid. The present proposed amendment is to remove the inconsistency and make it consistent with Section 27 clause (7) of the Act.

Hence, I am of opinion that no previous publication calling forth objections from the public is necessary for Rules to be framed under Section 49 and the prevkous sanction of the Government would be enough to validate them as Rules

--

"Copy"

PRESIDENT

3/6/45

BS

G R S App F VI—G 2]

SUBJECT

*Diary No of letter replied to*

General and Revenue Secretariat

( )

*the* *194*

Date of issue 25 X 1945

Signed by M. G R Rao

May this be—

(i) printed ?

(ii) treated as a Standing Order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the Press ?

(iv) published in the Gazette Kannada Part ?

Section ML

File No 106 · 45

Serial No 17

*Proceedings of the Government of His Highness the Maharaja of Mysore*

*Read*—"Correspondence ending with letter No MS: 156-739/42 dated 5/6 June 1944 from the Addl. Secy. to Govt, Mysore forwarding for approval a draft amendment to Rule 2(b) & (c) of chapter II of the Printed rules & Order thereon—No—Bye laws of the Mysore city municipality so as to bring them into conformity with -as amended- section 27(2) of the Mysore city municipalities Act 1933, as resolved by the municipal council at their meeting held on 29th January 1944.

Order No 1 3281

25 x 45

The amendment is approved and ~~approved~~ attached to this order

The President, ~~Ord Comm~~ is requested to send Six Printed copies of the amendment for reference in this office

JAW, 25 Sept 41

Jas A Ulio
Secy to Council
War Dept
Law Dept

President, ~~Ord Comm~~ Dept. of Mich. agree

To the ~~Ord Comm~~ Dept. ~~This Dept~~.

*List of Enclosures*

*Copied by*

*Examined by*

WD 04162—GPB—60 000—23-10-41

Published on page 221-22, Part III - 3 of the Mysore Gazetted dated 19-5-38

---

OFFICE OF THE PRESIDENT, CITY MUNICIPAL COUNCIL, MYSORE

Notice dated 10th May 1938

Notice is hereby given to the inhabitants of the Mysore City Municipality that the Municipal Council have resolved to amend the rules framed under Section 49(a) of the Mysore City Municipalities Act, re the appointment and constitution of Committees( Chapter III of the Mysore City Municipal Rules and Bye-laws) to the extent indicated below -

Any inhabitant of the Municipality having any objection in respect of the proposed amendment may prefer the same in writing to the undersigned within a month from this date

AMENDMENTS PROPOSED

Rule 1 Delete the words 3" Schools Committee" appearing under "Executive Committees" and re-number the list of Executive Committees

The words "Consultative Committee" may be substituted for "Consultative Committees" The figures "1,2,3" and the words "Audit Committee" and "Economic Committee" may be omitted The words "Schools Committee" appearing in the proviso to the said rule and in rule No 2 may be omitted

Rule 3 From the list of Committees, the words "Schools Committee", "Audit Committee" and "Economic Committee" and also the details of members noted against each of these names of Committees may be deleted, and the list may be re-numbered

Rule 7 Clauses (b), (f) and (g) may be deleted and the remaining clauses may be re-numbered

26 May be amended so as to read as follows -

26 The Legal Committee shall meet whenever business demands In other respects, the rules for the conduct of business, prescribed for the Executive Committees, shall apply Mutatis Mutandis to the Legal Committee

Copy

M A Sreenivasan,
President